

DETAILED ACTION

The claims were found allowable as a result of further searching; therefore the notice of allowance presented below is the new office action after the reopen prosecution decision of the pre-appeal conference.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rene Vazquez on 2/23/2010.

Examiner's Statement of Reasons for Allowance

The application is allowable because a protein sensing molecule is claimed in claim 1 comprising comprising a first detectable quality that changes in a concentration dependent manner when the protein sensing molecule is bound to the analyte and a second detectable quality of a long-lived metal complex label that undergoes a sufficiently small percentage change when the protein sensing molecule is bound to the analyte to function as a reference. The closest prior art USPN6277627 teaches a protein sensing molecule with one or two detectable label that detects glucose concentration (col. 3 & 4) does not teach or suggest a second long-lived metal complex label that undergoes a sufficiently small percentage change when the glucose binding protein (protein sensing molecule) is bound to glucose (analyte) to function as a reference.

Please amend the claims as follows:

Please cancel claim 12.

Claims Allowance

Claims 1, 2, 4-6, 9, 10, 13-21 are allowable.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning rejections or objections in this communication or earlier communications from the examiner should be directed to Bin Shen, whose telephone number is (571) 272-9040. The examiner can normally be reached on Monday through Friday, from about 9:00 AM to about 5:30 PM. A phone message left at this number will be responded to as soon as possible (i.e., shortly after the examiner returns to her office).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached at (571) 272-0925.

B Shen

Art Unit 1657

/Karen Cochrane Carlson/

Primary Examiner, Art Unit 1656